



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,654	09/26/2003	Jeyhan Karaoguz	14781US02	8222
23446 7590 06/30/2010 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				
EXAMINER LU'ONG, ALAN H				
ART UNIT 2427		PAPER NUMBER		
MAIL DATE 06/30/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/672,654

**Applicant(s)**

KARAOGUZ ET AL.

**Examiner**

ALAN LUONG

**Art Unit**

2427

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 9-19, 21-31 and 33-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-19, 21-31 and 33-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 4/21/2010 have been fully considered but they are not persuasive.

A. Applicants respectfully submit that Ellis does not teach or suggest at least these elements of claim 1; because Ellis fails to disclose anything with regard to user selection of "media content, and fails to disclose user scheduling of "media content," and does not teach, suggest, or disclose the construction of such "media channels" using such user selected and scheduled media content. Instead, the cited portion of Ellis simply describes an "interactive television program guide" that may be used to access schedule information.(Remark, pages 14-19). Examiner respectfully disagrees.

Examiner relies on Ellis teaching an interactive television program guide software application **constructs** running locally on user equipment 34 or a set-top box or an interactive television program guide equipment as remote server at user interface to allow user to access. By using an interactive television program guide as access communication with remote server where user can access the schedule information to view **scheduling of "media content"** (is constructed by the interactive television program guide software application) and user also allow to access information using selectable options as personal channels option 162 may provide the user the schedule information of personal television channel (is constructed by the interactive television program guide software application). Thus, Ellis clearly teaches **"a software enabling a**

**user at the first home to construct the media channels from user selected and scheduled media content",**

B. Applicants respectfully disagree with what Schoen allegedly discloses.

Applicants respectfully submit that the term "peer to peer" is not present anywhere in the cited portions of Schoen, or anywhere else in the text or figures of Schoen.

(Remark, pages 22-23). Examiner respectfully disagrees.

Examiner relies on Fig. 1 of Schoen illustrates the instant messaging system 10; includes an instant messaging server 12 where is in operative communication with a plurality of instant messaging devices as PDA, Set-top box, computers etc...as peer-to-peer architecture. For purposes of discussion, one of the instant messaging devices (**one peer**) will be referred to as an instant messaging originator 14 which will be described as initiating an instant message while another instant messaging device 16 (**another peer**) will be referred to as instant message recipient, although it will be recognized that either device may operate to send or received instant messages). It is well-known in the art; communication between 2 computers with the same communication protocol named peer to peer. Thus, Schoen explicitly teaches "peer to peer" communication in the cited portions .

Examiner respectfully recognizes Applicant's position. However, a *prima facie* case of obviousness has in fact been established and the rejection should be sustained.

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

2. Claims **1-7, 9-19, 21-31 and 33-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 6,774,926 to **Ellis et al.**, in view of US Patent No. 7,321,969 to **Schoen et al.**, further in view of US Pub. No. 2004/0125789 to **Parker et al.**

**Regarding to claim 1:** Fig.1 of Ellis illustrates a **system [30] supporting the communication and consumption of media using a common user interface** (i.e. a display screen 130 that may be displayed by an interactive television program guide is shown in FIG. 9), **the system comprising:**

**a television display in a first home;**(i.e. user TV equipment [36] of the first user at user equipment [34])(**Ellis, col. 2 line 57 to col. 3 line 8**)

Fig. 3 of Ellis illustrates a Set-top box [62] of the first user equipment [34] includes **a first storage for storing media, in the first home** (i.e. Suitable storage devices that may be included in set-top box 62 include memory circuits, hard disk drives, digital video disks, compact disks, etc.), (**Ellis, col. 5 lines 18-21, 35-38**) **having a first**

**associated network address** (i.e. the system 30 and the first viewer equipment 34 includes Set-top box [62] use to determine how to access the personal television channel programs by using Internet address information) (**Ellis, col. 14 lines 2-23**), **the first storage** inside Set-top box [62] **communicatively coupled to the television display [72];** (**Ellis, col. 5 lines 45-48**)

Fig. 9 of Ellis illustrates an arrows 146 indicate that the user may scroll the list of program titles using a suitable user interface as **a first graphical user interface for display on the television display** (i.e. TV display [72]) , **the first graphical user interface having at least one view** (i.e. screen [130]) **comprising graphical representations of one or more media channels** (i.e. a list of program titles 132) **supporting the communication and consumption of media, and having a first look and feel** (i.e. Screen includes a Highlight region 148 may be positioned using the user interface (e.g., the remote control up and down arrow keys for a set-top box)). (**Ellis, col. 9 lines 8-47**);

Fig. 4 of Ellis illustrates **a personal computer monitor [84] in a second home;** (i.e. User computer equipment 38 of the second user at user equipment [34] may be a personal computer [78], a personal computer television (PC/TV), a handheld computer, a notebook computer, a laptop computer, or other computing device) (**Ellis, (Ellis, col. 5 lines 61-65)** . It is well known in the art; the computer equipment [78] includes hard disk drives as **a second storage for storing media, in the second home** (i.e. Suitable storage devices that may be included in user equipment include memory circuits, hard disk drives, digital video disks, compact disks, etc.), (**Ellis, col. 5 lines 18-21, 35-38**),

**having a second associated network address** (i.e. the system 30 and the second viewer equipment 34 includes another computer [78] use to determine how to access the personal television channel programs by using Internet address information), (Ellis, col. 14 lines 2-23), **the second storage communicatively coupled to the personal computer monitor** (i.e. Monitor [84] of fig. 4 or Display [92] of Fig. 5);

Fig. 11 of Ellis illustrates **a second graphical user interface** (i.e. menu screen [156]) **for display on the personal computer monitor [84]**, where allow the user to access information using various selectable options, i.e. use selects Option [168] where **the second graphical user interface having at least one view comprising graphical representations** (i.e. a screen such as personal channel showcase screen 168 of FIG. 12) **of the one or more media channels supporting the communication and consumption of media** (i.e. information Ratings for the top 100 personal television channels, star ratings 170 (indicating a critic's opinion of a program) **and having a second look and feel** (i.e. if links 177 are selected, the program guide may launch a web browser; direct the user to an associated web site or may launch a chat application to provide the user with an opportunity to join a chat related to a particular program, etc.) (Ellis, col. 10 line 34-col. 11 line 25);

**software resident in a first memory at the first home** (i.e. The interactive television program guide may be implemented using software that runs locally on user television equipment 36 using a set-top box) **and a second memory at the second home** (i.e. An interactive television program guide may be implemented using software that runs locally on user equipment 34 using computer [78]) (Ellis, col. 8 lines 51-61), Fig. 11 of

Ellis shows the program guide screen [156] as **the software enabling a user at the first home** (i.e. user interface of Set-top box) **to construct, at the first home** (i.e. user equipment [36]), **the one or more media channels from user selected** (i.e. if user selects option [166] on Menu screen [156] may contain information on the top 100 personal television channels including Star rating and Ratings for top 100 personal TV channels) **and scheduled media content** (i.e. user select option [162] may provide the user with an opportunity to view program schedule information for personal television channel programming.) , (Ellis, col. 10 line 34-col. 11 line 25),

However, Ellis is unclear with respect to **“the software also enabling closed and secure communication of the one or more media channels to members of a user group, in a peer to peer manner, from the first home to the second home”**;

In an analogous art directed toward a similar problem namely improving the results from *the software also enabling closed and secure communication of the one or more media channels to members of a user group, in a peer to peer manner, from the first home to the second home*

Schoen teaches the local instant messaging secure public key infrastructure proxies 22a and 22b are preferably implemented as software applications that are executed by one or more processing devices in the instant messaging device as **the software enabling closed and secure communication** (i.e. Virtual private networks (VPN) are known which use a public key infrastructure (PKI) to identify participants in the VPN to establish secure communications) (Schoen, col. 2 lines 30-38) **of the one or more**



**media channels to members of a user group** (i.e. the instant message exchanged in a buddy lists. The secure instant messaging group policy certificate defines a plurality of different instant messaging groups, each identified by an instant messaging group identifier) **(Schoen, col. 4 lines 8-21), in a peer to peer manner, from the first home to the second home;** (Fig. 1 of Schoen illustrates the instant messaging system 10 includes an instant messaging server 12. The instant messaging server 12 is in operative communication with a plurality of instant messaging devices as PDA, Set-top box, computers etc.... **in a peer to peer manner.** For purposes of discussion, one of the instant messaging devices will be referred to as an instant messaging originator 14 which will be described as initiating an instant message while another instant messaging device 16 will be referred to as instant message recipient, although it will be recognized that either device may operate to send or received instant messages) **(Schoen, col. 6 lines 1-65).** Therefore, it would have been obvious to one of the ordinary skill in the art, at the time of the invention was made to modify a software of Ellis including the instant messaging secure public key infrastructure proxies as taught by Schoen, to modify the instant messaging device and method that facilitates improved instant messaging group communication while also providing public key security if desired. **(col. 3 lines 12-21)**

Neither Ellis nor Schoen teaches the feature *“software that receives a request that identifies one of the first and second associated network addresses, and responds by identifying the other of the first and second associated network addresses to support the*

*communication via the communication network of media between the first storage and the second storage for consumption*

In an analogous art directed toward a similar problem namely improving the results from *software that receives a request that identifies one of the first and second associated network addresses, and responds by identifying the other of the first and second associated network addresses to support the communication via the communication network of media between the first storage and the second storage for consumption*; In Digital data distribution using Video Telephony, Fig. 4 of Parker illustrates a server [57] contains Data Base [58] and [59] including **software** (i.e. Video telephony software at server) (**Parker, ¶0025**) **that receives a request** (i.e. a patient initiates a request by pressing an alert or emergency button coupled to their patient device, a request message is sent to server 57). The request message includes a source IP address **that identifies one of the first and second associated network addresses** (i.e. IP addresses and patient ID's those are the corresponding one of plurality patient communication devices [50-53]) (**Parker, ¶0026**) **and responds by identifying the other of the first and second associated network addresses to support the communication via the communication network of media between the first storage and the second storage for consumption** (i.e. Using that IP address, video and voice communication links are established between the patient device initiating the request and the appropriate nurse's workstation (**Parker, ¶0027**)). Therefore, it would have been obvious to one of the ordinary skill in the art, at the time of the invention was made to modify the secured communications software at Server of

Ellis and Schoen including Video telephony software **that identifies the associated network addresses** as taught by Parker in order to provide a data network interconnects the service provider workstation and the requester communication device, and the service provider workstation and the requester communication device have respective network addresses by using the respective network addresses and for initiating display of the data record at the service provider workstation. (**Parker, Abstract**)

Finally, Fig. 19, 20 of Ellis depicts a program guide or other application may display an information screen 256 on screen 258, as **the first graphical user interface and the second graphical user interface being substantially the same graphical user interface, the first look and feel and the second look and feel being substantially the same.** (i.e. system 30 makes personal television channel programming available to viewers on a program guide contains Links may be provided to any suitable feature, including programming-related features, program guide features, and features related to interactive television applications such as chat applications, e-mail applications, shopping applications, interactive game applications, interactive wagering applications, etc. example: option 262 may be used to provide a link to a chat room related to the XYZ channel or the current program on that channel). (**Ellis, col. 15 line 35-col. 16 line 18**),

**Regarding to claim 2, 3:** Ellis also teaches the system of claim 1, **wherein the media comprises real-time video** (Ellis, col. 7 lines 30-38, 49-52)

**Regarding to claim 4:** The system of claim 1, **wherein consumption comprises displaying video, and displaying data. (Ellis, col. 3 line 55-col. 4 line 18, col. 6 line17-18),**

**Regarding to claim 5:** The system of claim 1, Fig. 4 of Parker shows Data Base [59] in Server [57], the database 59 storing tables providing IP addresses and patient ID's. Each patient device [50-53] preferably has a fixed IP address which is associated with each patient bed and/or room **(Parker, ¶0026) meets wherein the first and second associated network addresses are one of an Internet protocol (IP) address,**

**Regarding to claim 6:** The system of claim 1, Fig. 1 of Ellis illustrates the **communication network [40] comprises an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure. (Ellis, col. 3 lines 8-16)**

**Regarding to claim 7:** The system of claim 1, Ellis also teaches **wherein the communication network [40] of Fig. 1 is the Internet. (Ellis, col. 3 lines 8-16)**

**Regarding to claim 9:** The system of claim 1, Ellis also teaches **wherein at least a portion of the media available for consumption is user captured media. (Ellis, col. 5 lines 24-25, col. 6 lines 1-2)**

**Regarding to claim 10:** The system of claim 1, Fig. 6 of Ellis displays on display [100] **wherein the first and second user interfaces comprise a view displaying information related to at least one media peripheral (i.e. Cellular telephone [42]). (Ellis, col. 7 lines 18-26)**

**Regarding to claim 11:** The system of claim 10, Fig. 6 of Ellis displays Cellular telephone [42] **as one media peripheral comprises a digital camera [98], (Ellis, col. 7 lines 4-17)**

**Regarding to claim 12:** The system of claim 1, Fig. 5 of Ellis displays **one media peripheral** (i.e. video camera [80]) **communicatively coupled to** a handheld computing device such as handheld computing device [86] includes **one of the first storage and the second storage** (i.e. storage device in a handheld computing device); (Ellis, col. 6 lines 23-27, lines 41-55)

With above same analysis in claim 1, Fig. 5 of Ellis depicts a display [92] includes **a third graphical user interface for display on the at least one media peripheral** (i.e. handheld computing device [86] as third user equipment [34] in network) (Ellis, col. 6 lines 56-65)

With above same analysis in claim 1, **the third graphical user interface having at least one view comprising representations of one or more user created and scheduled media channels supporting the communication and consumption of media, and having a third look and feel;** (Ellis, col. 10 line 34-col. 11 line 25); and

With above same analysis in claim 1, **Ellis teaches the first, second, and third graphical user interface being substantially the same graphical user interface, the first look and feel, the second look and feel, and the third look and feel being substantially the same.** (Ellis, col. 15 line 35-col. 16 line 18),

**Regarding to claim 13:** merely repeats the same limitation of claim 11;  
therefore, claim 13 is rejected for same reason as discussed in claim 11.

**Regarding to claim 14:** recites the features similar to those of claim 1.  
Therefore, claim 14 is rejected for the same reason as discussed in claim 1.

**Regarding to claims 15, 16:** merely repeat the same limitation of claims 2  
and 3; therefore, claims 15, 16 are rejected for same reason as discussed in claims 2  
and 3

**Regarding to claim 17:** merely repeats the same limitation of claim 4;  
therefore, claim 17 is rejected for same reason as discussed in claim 4.

**Regarding to claims 18, 19:** merely repeats the same limitation of claims  
6, 7; therefore, claims 18, 19 are rejected for same reason as discussed in claims 6, 7.

**Regarding to claim 21:** merely repeats the same limitation of claim 9;  
therefore, claim 21 is rejected for same reason as discussed in claim 9.

**Regarding to claim 22:** merely repeats the same limitation of claim 10;  
therefore, claim 22 is rejected for same reason as discussed in claim 10.

**Regarding to claim 23:** merely repeats the same limitation of claim 12; therefore, claim  
23 is rejected for same reason as discussed in claim 12.

**Regarding to claim 24.** merely repeats the same limitation of claim 11;  
therefore, claim 24 is rejected for same reason as discussed in claim 11.

**Regarding to claim 25.** recites the features similar to those of claim 1.  
Therefore, claim 25 is rejected for the same reason as discussed in claim 1.

**Regarding to claim 26 :**The one or more circuits of claim 25, merely repeats the same

limitation of claim 2, therefore, claim 26 is rejected for the same reason as discussed in claim 2

**Regarding to claim 27 :**The one or more circuits of claim 25, merely repeats the same limitation of claim 3, therefore, claim 27 is rejected for the same reason as discussed in claim 3

**Regarding to claim 28 :** The one or more circuits of claim 25, merely repeats the same limitation of claim 4, therefore, claim 28 is rejected for the same reason as discussed in claim 4.

**Regarding to claim 29 :** The one or more circuits of claim 25, merely repeats the same limitation of claim 5, therefore, claim 29 is rejected for the same reason as discussed in claim 5

**Regarding to claim 30:**The one or more circuits of claim 25, merely repeats the same limitation of claim 6, therefore, claim 30 is rejected for the same reason as discussed in claim 6

**Regarding to claim 31:**The one or more circuits of claim 25, merely repeats the same limitation of claim 7, therefore, claim 31 is rejected for the same reason as discussed in claim 7

**Regarding to claim 33.** The one or more circuits of claim 32, merely repeats the same limitation of claim 9, therefore, claim 33 is rejected for the same reason as discussed in claim 9

**Regarding to claim 34.** The one or more circuits of claim 25, merely repeats the same limitation of claim 10, therefore, claim 34 is rejected for the same reason as discussed in claim 10

**Regarding to claim 35.** The one or more circuits of claim 34, merely repeats the same limitation of claim 11, therefore, claim 35 is rejected for the same reason as discussed in claim 11

**Regarding to claim 36.** The one or more circuits of claim 35, merely repeats the same limitation of claim 12, therefore, claim 36 is rejected for the same reason as discussed in claim 12

**Regarding to claim 37** The one or more circuits of claim 36, merely repeats the same limitation of claim 13, therefore, claim 35 is rejected for the same reason as discussed in claim 13

**Regarding to claim 38:** The one or more circuits of claim 25, Fig. 3 of Ellis illustrates user equipment [36] comprises a Set-top box [62] (**Ellis, col. 5 lines 15-22**) meets **wherein the system comprises a set top box.**

**Regarding to claim 39:** The one or more circuits of claim 25, Fig. 9 of Ellis illustrates a user interface [130] **wherein one or both of the first display device [84] and the second display device [92] comprises a television [72] (Ellis, col. 9 lines 6-14).**

**Regarding to claim 40:** The one or more circuits of claim 25, Fig. 9 of Ellis illustrates a user interface [130] **wherein one or both of the first display device [92] and the**



**second display device [100] comprise a computer monitor [84]. (Ellis, col. 9 lines 6-14).**

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ALAN LUONG** whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ALAN LUONG/  
Examiner, Art Unit 2427

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2427